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In 1991, three farm workers in a Latin American country were arrested by the army. As concern for their safety mounted—members of the arrest battalion were said to have tortured other prisoners—a United Nations special rapporteur was informed of the case. He immediately sent a cable to the Government, appealing for the workers' safety. Twenty-eight days later, the Government replied: the three had been released without harm.

Also in 1991, another United Nations rapporteur sent a cable to the Minister for Foreign Affairs of an Asian country, asking that urgent medical attention be given to a detained person whose health was reported to have deteriorated. One month later, the Government responded that the detainee had undergone a hospital examination and was convalescing at home.

During a recent mission to an Asian country, a rapporteur was approached by a family seeking the release of a detained relative. The rapporteur contacted the President of the country, who then ordered the prisoner's release. The rapporteur was thus able to receive the freed person and escort him home.

These are but three examples of United Nations action to protect human rights. Through a network of mechanisms developed over the years, the United Nations has greatly expanded its capacity to intervene and get results.

Monitoring Compliance

One such mechanism is the monitoring of States' compliance with human rights treaties. A number of United Nations treaties obligate States that ratify them to respect human rights and to report on how they ensure human rights protection. Among these are the International Covenant on Civil and Political Rights (which has 112 States parties), the International Covenant on Economic, Social and Cultural Rights (115 States), the Convention on the Elimination of All Forms of Racial Discrimination (132 States), the Convention on the Elimination of All Forms of Discrimination against Women (116 States), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (68 States) and the Convention on the Rights of the Child (120 States).

Compliance with these treaties is monitored by committees of independent experts, who encourage human rights protection and examine State respect for their international undertakings. One such body is the Human Rights Committee, which monitors State adherence to the International Covenant on Civil and Political Rights. The 18-member panel examines, in public sessions, periodic reports from States parties on the measures they have taken to give effect to the rights recognized in the Covenant, and on the progress made in the enjoyment of such rights.

Representatives of the State concerned present these reports, answer detailed and often pointed questions posed by each member of the Committee and may be asked to submit additional information. Many States send high-level delegations to these sessions—ministers, heads of the judiciary and attorneys-general. The Committee then forwards its comments to the State. This dialogue often prompts changes in State law or practice.

The Committee usually meets three times a year and transmits a report on its activities to the General Assembly, which takes action on the basis of its recommendations. The system yields results. According to Ambassador Andreas Mavrommatis, a member of the Committee, "Not a single country, not even the worst country in so far as violations of human rights are concerned, can afford international criticism for a long time, especially when this criticism is not the sort of random criticism by a Government but comes from an independent body of experts . . . During the last 15 to 16 years that the Committee has been working, we noticed improvements in respect of quite a few [countries]."

Similar dialogues between States and United Nations bodies verifying compliance are carried out for other human rights treaties. The committees include the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Rights of the Child. Their persistent action has led to concrete results: all over the world, detainees have been released, executions have been suspended, prisoners have been examined by doctors and laws have been amended to bring them in line with international standards.

Individual Complaints

Certain treaties permit individuals or organizations to appeal directly to the United Nations by submitting complaints of human rights viola-

tions. For instance, under the First Optional Protocol to the International Covenant on Civil and Political Rights, the Human Rights Committee is empowered to examine individual complaints. The complaint must concern a State party to the Protocol; at present there are 66 States parties. If the Committee deems the complaint admissible, it is forwarded to the attention of the State charged with violating the Covenant. The State is obliged to submit an explanation clarifying the matter and indicating what remedy, if any, has been taken.

Complaints from individuals are kept confidential and considered in closed meetings. But all final decisions are made public, and the Committee proclaims whether or not, in its view, a violation of the Covenant has occurred. The views of the Committee are not binding, but the system under the Protocol does achieve results through persuasion of States parties. Often, the Committee takes action even before stating its views—for instance, when advising Governments against a threatened expulsion or for the suspension of a death sentence.

Work under the Protocol started in 1977. Since then, 514 complaints concerning 42 States have been registered for consideration. The Committee has made known its views in 138 cases, establishing in 106 instances that violations of the Covenant had happened. The number of complaints has grown in recent years; many refer to cases of ill treatment in detention, unfair trial and discrimination on various grounds.

The Human Rights Committee can also look into individual complaints on the basis of the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims to abolish the death penalty and bars States parties from executing anyone within their jurisdiction. The Protocol has 11 States parties.

Individual complaints can also be submitted to other human rights bodies. Twenty-eight States parties to the Convention against Torture have accepted the clause allowing the Committee against Torture to examine individual complaints. Likewise, 14 States parties to the Convention on the Elimination of All Forms of Racial Discrimination have agreed that the Committee on the Elimination of Racial Discrimination can look into individual complaints.

The 1503 Procedure

The 1503 procedure takes its name from the number of the United Nations Economic and Social Council resolution that makes provision for it. Under this mechanism, United Nations experts consider allegations of abuses from individuals and organizations to determine whether there is a "pattern of gross violations of human rights" in a given country.

The complaints and charges are transmitted to Governments, which are asked to reply. If a pattern of human rights violations is established, the matter is prepared for review by the competent bodies, which decide whether further United Nations intervention is needed. The Commission on Human Rights might, for example, decide to draft a report or launch an investigation.

One of the strong points of the 1503 procedure is that it leads to a dialogue with the countries where violations are alleged to have taken place. Government cooperation has grown through the years, as the procedure has become more and more accepted. By 1992, the human rights situation in 47 countries had been placed before the Commission under the 1503 procedure. On average, between 30,000 and 40,000 communications are received each year for processing; in 1989, more than 300,000 communications were logged.

Fact-finding

In the case of serious human rights violations, the Commission on Human Rights may decide to appoint special rapporteurs or a working group to investigate.

Some rapporteurs focus on a specific country, while others deal with issues. At present, country rapporteurs are examining Afghanistan, Cuba, El Salvador, Equatorial Guinea, Guatemala, Haiti, Iran, Iraq, Myanmar, Romania and Southern Africa. Israeli practices in the occupied territories and the situation in Kuwait under Iraqi occupation are also under scrutiny.

Thematic rapporteurs and working groups are looking into summary or arbitrary executions, torture, enforced or involuntary disappearances, arbitrary detention, the sale of children and other child abuses, religious intolerance and the negative impact of mercenaries on the right to self-determination.

When the Commission is informed of widespread human rights violations, it may examine the question under a confidential procedure and discreetly contact the Government in an attempt to resolve the situation. But the Commission may also go public and appoint a rapporteur or working group. In certain cases, the Commission appoints a rapporteur when other means have failed.

Every year, the rapporteurs and working groups submit a report to the Commission and/or the General Assembly in which they assess the situation in the previous 12 months, explain the initiatives they took to defend human rights and recommend ways to remedy the problem. The Commission and/or the General Assembly can then take action.

To prepare the reports, information is gathered from many sources, including Governments, human rights organizations, witnesses, victims and relatives of victims. At Government invitation, rapporteurs visit the country they cover to get firsthand knowledge of the human rights situation. During such visits they hear from victims, witnesses and members of human rights organizations and discuss with the Government ways of improving human rights protection.

Rapporteurs are often able to visit prisons, talk in private with prisoners and verify their conditions. In 1991, rapporteurs carried out fact-finding missions in 27 countries, among them Brazil, Sri Lanka, Zaire and Indonesia, where the focus was on East Timor.

Dealing with Violations

Established in 1980, the Working Group on Enforced or Involuntary Disappearances was the first mechanism set up to deal with human rights violations in an issue-oriented manner, irrespective of where they were reported to have occurred. The Group examines reports on disappearances submitted by relatives of missing persons or human rights organizations. After determining their validity, it transmits individual cases to the Government concerned, requesting an investigation and a report on its result. Cases are kept on file until the exact whereabouts of the missing person have been determined.

The other mechanisms designed to protect the rights of persons deprived of their liberty are the Special Rapporteur on Summary or Arbitrary Executions, the Special Rapporteur on the Question of Torture and the Working Group on Arbitrary Detention. These mechanisms operate on three levels. First and foremost, they deal with individual cases, seeking to protect the life and physical integrity of the alleged victims. Second, they study situations in individual countries, recording their observations in general reports and in special reports following country visits. Third, they examine the phenomena of disappearances, executions, torture and detention as such, analyzing their dynamics and dimensions.

Perhaps the single most important factor contributing to the phenomenon of disappearances may be that of impunity. As the Working Group on Disappearances stated in 1990, "The Working Group's experience over the past 10 years has confirmed the age-old adage that impunity breeds contempt for the law. Perpetrators of human rights violations, whether civilian or military, will become all the more brazen when they are not held to account before a court of law. Impunity can also induce victims of these practices to resort to a form of self-help and take the law into their own hands, which in turn exacerbates the spiral of violence . . ."

Investigating Cases

The Working Group on Arbitrary Detention is the most recent addition to the series of mechanisms designed to protect the rights of persons deprived of their freedom. Its five independent experts are required to *investigate* cases—a totally new and important concept, since similar mechanisms in the past have only *examined* cases, questions or phenomena. In applying what is referred to as the "adversary approach", the Working Group will consider the elements provided by both sides—the complainant and the State—concerning legal and other circumstances relating to each case.

Dialogue with Governments

As part of their mandate, rapporteurs and working groups submit to Governments cases of alleged human rights violations, asking for comments. Most Governments reply, even if only to deny the charges. A dialogue is thus established, often leading to results.

Since its creation in 1980, the Working Group on Enforced or Involuntary Disappearances has dealt with some 35,000 cases of disappearance in 55 countries. Over the years, the Group has informed relatives of any replies received from Governments, followed up Government investigations and given relatives and human rights organizations the opportunity to comment on Government replies. It has thus established a channel of communication between the families of disappeared persons and the Governments, and has developed a dialogue with most Governments.

At least once a year, the Group reminds every Government of cases that have not been clarified. All unresolved cases transmitted in the most recent six-month period under the "urgent-action" procedure (see below) are reported again to the Government concerned every January and July. Governments often cooperate, clarifying a case or inviting the Group to visit the country. Sometimes they report that the missing person has been released.

"The problem of disappearances has not abated", the Working Group reported in 1991. But "a growing awareness of the problem as well as the existing international procedures have made it possible for relatives or an increasing number of non-governmental organizations to draw the attention of the international community to cases that in the past would have remained hidden".

"The Working Group does not function in isolation", the report added, "dependent as it is on a flow of information from independent sources as well as on the cooperation of States . . . . The Group notes with satisfaction that there are at present few Governments that do not cooperate with it".

Similar conclusions were drawn by the rapporteur on executions. Reviewing 10 years of work, he stated in 1992 that "the vast majority of countries . . . have cooperated by replying to at least some of the allegations or requests . . . . Some Governments have indicated that police officials, military officials and hired killers . . . have been convicted and sentenced to terms of prison up to 37 years . . . . In several countries, death sentences have been commuted to terms of life imprisonment . . . . In a few cases, Governments have enacted reforms enlarging the competence or powers of civilian authorities to investigate or judge military authorities suspected or accused of summary or arbitrary executions".

Urgent Actions

In response to alleged cases of disappearance, torture, arbitrary detention and summary or arbitrary execution, rapporteurs and working

groups send "urgent-action" cables to Governments, appealing, on humanitarian grounds, for the protection of the individual concerned. In 1990 alone, nearly 1,100 cases were transmitted to Governments by cable. The Working Group on Disappearances reported in 1990 and 1991 that clarifications under the urgent-action procedure were as high as 25 per cent. This suggests, it said, that by acting swiftly the Group may help prevent irreparable damage.

The rapporteur on summary and arbitrary executions makes use of the urgent-action procedure whenever a life-threatening situation is brought to his attention. The result of such intervention is often the commutation of a death sentence or the retrial of a person sentenced to death after a trial that did not respect human rights standards. Says this rapporteur: "Effective response to information in cases where a summary or arbitrary execution is threatened or imminent is one of the most important aspects of my mandate, since timely response by a Government to whom an urgent appeal is addressed could be vital."

Those who avail themselves of United Nations human rights procedures—or attempt to—may be subjected to intimidation or reprisal. To help prevent such harassment, a "prompt intervention" procedure was started in 1990 to protect complainants, witnesses, legal assistants and relatives of victims. Whenever reports of intimidation or reprisal are received, the rapporteur or working group contacts the Government concerned, appealing for immediate steps to protect the person(s) affected.

Good Offices

The most confidential mechanism for the protection of human rights is the good offices procedure, utilized by the United Nations Secretary-General and the Under-Secretary-General for Human Rights. In certain cases, they contact a Government on a confidential basis, appealing for the solution of a human rights situation—such as the release of a political prisoner or the commutation of a death sentence.

Good offices interventions are almost never publicized, but do yield results. Says a United Nations official, "This brand of quiet diplomacy is very effective, indeed producing results. It is difficult for a head of State to say 'No' to the Secretary-General."

In a way, all rapporteurs and working groups are involved in good offices. In 1991, a rapporteur appealed to the President of an Asian country regarding the death sentences of several persons said to have been involved in an attempted coup. As a result of this appeal, all death sentences were commuted to 20 years' imprisonment.

Public Pressure

The effects of international pressure on Governments are difficult to assess. If a Government frees a political prisoner or suspends its practice of torture, it is usually impossible to tell why it decided to do so. Usually a combination of factors is responsible. Certainly, though, the action of the United Nations mechanisms is one such factor.

The reports of the United Nations experts help focus world attention on human rights abuses, thereby exerting pressure on Governments. All reports are published and publicly discussed by the Commission on Human Rights—a discussion in which representatives of both Governments and human rights organizations participate. The reports are scrutinized by the media, which draw the attention of international public opinion to perpetrators of human rights violations.

"Peer pressure" is also exerted. At the Commission, several country delegates have repeatedly stressed that all countries are obligated to cooperate with its monitoring procedures. As one United Nations official commented, "Many Governments try to avoid public discussions, not only by diplomatic maneuvering, but also by improvements at home."

United Nations action also leads to improvements in legislation. Following a rapporteur's recommendation, the Philippines revoked a decree giving jurisdiction to the military courts over all offences committed by the army and police. Peru enacted a decree allowing officials of the Attorney General's Office to enter military installations and police detention centres in areas under state of emergency in order to verify the situation of detainees. Turkey issued new regulations on the procedure to be followed by the police in questioning suspects.

The invaluable assistance offered by human rights organizations has also been acknowledged. In 1991, the Under-Secretary-General for Human Rights stated, "In all our endeavours for the protection and promotion of human rights, we are assisted by countless non-governmental organizations, such as Amnesty International and the International Commission of Jurists, which operate in basically every country of the world and which provide us with timely information about alleged human rights violations."

World Conference

One of the major objectives of the World Conference on Human Rights to be held in Vienna in June 1993 is to evaluate the methods and mechanisms used by the United Nations in the field of human rights and to make recommendations for improving their effectiveness. To strengthen such mechanisms, Antoine Blanca, Under-Secretary-General for Human Rights and Secretary-General of the World Conference, has suggested that all countries ratify the major human rights treaties.

"For the Conference to succeed", he stated, "'human rights' should be understood to include as integral parts the three elements of protection, promotion and prevention. These three elements should receive the same degree of attention. To that end, greater efforts would have to be dedicated to the universal ratification of basic human rights instruments, and therefore broader monitoring of their implementation . . . . The World Conference could thus consider setting . . . the target of universal ratification of the Covenants and other basic human rights instruments . . . by the year 2000".

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